ಶ್ರೀ ಪಾಟಾಳ್ ನಾಗರಾಜ್ (ಚಿಕ್ಕಪೇಟೆ).—ಅಧ್ಯಕ್ಷರೇ, ಆಹಾರ ಮಂತ್ರಿಗಳ ಗಮನಕ್ಕೆ ಒಂದು ವಿಷಯವನ್ನು ತೆಗೆದುಕೊಂಡು ಬರಬೇಕೆಂದಿದ್ದೇನೆ. ಈಗ ನವೆಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ಬೆಂಗಳೂರಿನ ಜನತೆಗೆ ಕೊಡಬೇಕಾದಂಥ ಪಡಿತರ ಅಕ್ಕಿಯನ್ನು ಇಲ್ಲಿಯವರೆಗೂ ಕೊಡಪೆ ನಿಲ್ಲಿಸಿದ್ದಾರೆ. ಯಾವತ್ತು ಸರ್ಕಾರದವರು ಜನತೆಗೆ ಪೂರ್ಣ ಪ್ರಮಾಣದಲ್ಲಿ ಕೊಡುತ್ತಾರೆ. ಈ ಪ್ರಶ್ನೆಯನ್ನು ಅನೇಕಸಾರಿ ಪ್ರಸ್ತಾಪಮಾಡುತ್ತಾ ಇದ್ದೇವೆ. ಅದರ ಬಗ್ಗೆ ಮಂತ್ರಿಗಳು ಉತ್ತರ ಹೇಳಲಿ.

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ (ಆಹಾರ ಮತ್ತು ನಿತ್ಯೋಪಯೋಗಿ ಸರಬರಾಯಿ ಶಾಖೆಗಳ ಮಂತ್ರಿಗಳು).—ಮಾನ್ಯ ಸದಸ್ಯರು ಇಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಇನ್ನು ಇತರ ಕಡೆಯೂ ಕೆಲವರು ಹೇಳಿದ್ದಾರೆ. ಈಗ ಶೇಕಡ 50ರಷ್ಟು ಅಕ್ಕಿಯನ್ನು ಕೊಡುತ್ತಿದ್ದೇವೆ. ಶೇಕಡ 50ರಿಂದ ಶೇಕಡ 100ರಷ್ಟು ಪ್ರಮಾಣವನ್ನು 21ನೇ ತಾರೀಖಿನ ನಂತರ ಕೊಡುವ ನಿರ್ಣಯ ಮಾಡಿದ್ದೇವೆ. ಆ ರೀತಿಯಾಗಿ ಕೊಡುವ ಹಾಗೆ ಏರ್ಪಾಡು ಮಾಡುತ್ತೇವೆ.

RULINGS FROM THE CHAIR

Mr. SPEAKER.—I have circulated to the members Rulings which are dictated. As I mentioned yesterday, there is no other purpose than to save time and therefore I will read the last sentence from every ruling and the rulings would be incorporated in the proceedings.

(The concluding portions of each ruling were read)

Re refusal of interview by the Chief Minister to Sri P. V. Aithala.

On 7th December 1967 the Hon. Member Sri P. V. Aithala raised a matter of privilege that the Chief Minister when he was in Mangalore did not grant him interview to make representation though it had been fixed by the Deputy Commissioner and that he was ignord and belittled by the Chief Minister in the presence of his political opponents; since he wanted to make representation only on behalf of his constituents he was prevented from discharging his duty, it amounted to a breach of privilege.

On the same day another Hon. Member Sri Sadashivappa Patil raised a matter of privilege that when the Chief Minister visited his constituency he went there as he had been invited by the local authorities but found the Chief Minister in the company of the defeated candidate and did not pay any attention to him and he was prevented from making representation as a member and therefore this amounted to a breach of privilege.

The question of parliamentary privilege has to be kept clear from courtesies or party alignments. Parliamentary privilege is uncontrolled by *bona fides* or malafides. A privilege is an exception to the normal rule. It is a special position afforded to the members of the Legislative; that privilege is called parliamentary privilege. It avails and exists only in the course of parliamentary work. Therefore the concept of parliamentary privilege is to see whether a member in the instant case functioned as a member in discharge of his duties. While considering the question as to whether the parlimentary privilege extends beyond

the limits of the House of Legislature the aspect arose with regard to what happens outside the precincts of the House. Parliamentary privilege extends only to Parliamentary proceedings and not beyond. While a member is functioning within the precincts of the House during the sittings, he is undoubtedly acting in discharge of his duties as member and subject to other relevant factors he has got a privilege. It is admitted that this was not during the sittings. So in a chronological division the question arises as to whether parliamentary privilege exists outside the precincts of the House. In deciding whether a Member is acting in discharge of his duties within the limits of parliamentary privilege it came up for consideration as to whether a member in addressing a letter relating a question or otherwise dealing with initial steps that will ultimately lead to the consideration of the matter by the House would be deemed to be within the limits of the parliamentary privilege. The Hon'ble member Sri Aithala in his speech revealed that he wanted to make reperesentation on behalf of persons who had suffered on account of acquisition of lands by the Government and that certain concessions could be shown to them. These are benefits which would accrue not to the member but to an outsider nor do they relate to any legislation pertaining to the House. It is a privilege of a member to put questions, criticise the Government, bring motions before the House and participate in debate in the House but outside the scope of such proceedings to ask for concessions to be made by the Government cannot be said to be in discharge of his duties as a member of the Legislature nor has the matter come up even uptill now before the House nor is it said that the steps that were taken on that day were part and parcel of the matters that were to come before the House. A breach of an engagement agreed to by the Chief Minister or on his behalf by any officer with or without his consent does not amount to a breach of privilege. It may be courtesy or may not be like that. Parliamentary privilege is a well defined concept. Mere relationship of a Minister and member does not attract all the ingredients that are necessary to find a claim for privilege. Claim for privilege is a particular branch or field of rights to be claimed in precise circumstances. The contention that the Cheif Minister was bound to receive him is not supported by any rule or precedents. It was put as a matter of right on the part of a Member to seek an interview with a corresponding liability on the part of the Minister to receive him. If we examine this closely it will be seen that it can be exercised by all or any of the members, which by itself will make it not possible of achievement. It can be exercised as many times as the members like because it is a right. This again will be a physical impossibility. The time at which the interview might be would be at the sweet will and pleasure of any member and beyond the control of the Minister because it is a right which is possessed. What is the foundation for such a right? Is it under statute or convention? And Ministers cannot contend if a right exists that they will receive one and not other. If the right exists the consequences that might ensue may make it impossible to carry on the work.

(MR. SPEAKER)

At any rate no such convention has been propounded in any of the precedents; it has been argued on first principles. Parliamentary privilege is a purely technical concept. Parliamentary privilege to be taken note of is the one that prevails in favour of the member of the House of Commons in England and that on 26th January 1950. Despite a period of two hours that were spent in propunding this matter not a single authority was cited by way of a precedent either from the rulings of the House of Commons or of any Legislatures in our Country. In this connection I may invite reference to the rulings given by me on 23rd December 1963 in a somewhat similar case.

Re : Arrest of Sri M. S. Krishnan while the House was in Session.

On 13th December 1967 Hon'ble Member Sri D. B. Kalmankar raised a matter of privilege that the arrest of Hon'ble Member Sri M. S. Krishnan on the same morning amounted to a breach of privilege as he was prevented from attending the meetings of the Assembly and discharging his functioning as a member.

The Commissioner of Police sent a communication of the fact of arrest of the Hon'ble Member and the same was communicated to the House.

Article 194 of the Constitution has defined certain privileges and has empowered the State Legislature to define the other privileges. The other privileges have not yet been defined and till they are defined, they will be the same as those of the Members of the House of Commons on 26th January 1950. The privileges of the members of the House of Commons are that they cannot be arrested under civil process when the House is in Session and forty days before and forty days after the Session ; they should not also be molested when they are on their way to the House or on their way back home. This immunity does not extend to arrests under criminal processes of preventive detention. The Ramsay's case is a proof of this.

The same immunity applies to in India. Members are immune from civil arrest. There is no immunity in the case of arrest under criminal process. The arrest of the Hon'ble Member Sri M. S. Krishnan was for offences under the Indian Penal Code. Arrests under Indian Penal Code cannot be construed as arrests under civil process. The only obligation on the part of the Executive is that they should inform the Speaker of the arrest. In this case the Commissioner of Police sent a communication and the same was announced to the House.

Out side the House the law applies to every citizen equally including a member. A member has no higher status than any other citizen. If the executive authority has committed any excess or if the arrest is